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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 MATHEW TATE,

11 Petitioner,

12 v.

13 RON VAN BOENING,

14 Respondent.  
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Case No. C08-5524FDB-KLS

ORDER DISMISSING PETITION

16 The Court, having reviewed the petition for *habeas corpus*, the Report and Recommendation of  
17 Judge Karen L. Strombom, United States Magistrate Judge, and the remaining record, does hereby find  
18 and Order:

- 19 (1) the Court adopts the Report and Recommendation;  
20 (2) petitioner's federal *habeas corpus* petition is DISMISSED; and  
21 (3) the Clerk is directed to send copies of this Order to petitioner and to Judge Strombom.

22 DATED this 6<sup>th</sup> day of January 2009.

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25 FRANKLIN D. BURGESS  
26 UNITED STATES DISTRICT JUDGE  
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